

SENATE BILL No. 276

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-2-2.5.

Synopsis: Sex offenders residing near victims. Requires a court, when placing a sex offender on probation, to prohibit the offender from residing within two miles of the residence of the victim of the offender's sex offense.

Effective: July 1, 2001.

Long

January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 276

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-2-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 2.5. (a) As used in this section, "offender" means an**
4 **individual convicted of a sex offense.**

5 **(b) As used in this section, "sex offense" means one of the**
6 **following:**

7 **(1) Rape (IC 35-42-4-1).**

8 **(2) Criminal deviate conduct (IC 35-42-4-2).**

9 **(3) Child molesting (IC 35-42-4-3).**

10 **(4) Child exploitation (IC 35-42-4-4(b)).**

11 **(5) Vicarious sexual gratification (IC 35-42-4-5).**

12 **(6) Child solicitation (IC 35-42-4-6).**

13 **(7) Child seduction (IC 35-42-4-7).**

14 **(8) Sexual battery (IC 35-42-4-8).**

15 **(9) Sexual misconduct with a minor as a Class A or Class B**
16 **felony (IC 35-42-4-9).**

17 **(10) Incest (IC 35-46-1-3).**



1 (11) Kidnapping (IC 35-42-3-2), if the victim is less than
2 eighteen (18) years of age.

3 (12) Criminal confinement (IC 35-42-3-3), if the victim is less
4 than eighteen (18) years of age.

5 (c) As a condition of probation for an offender, the court shall,
6 in addition to the requirements set forth in section 2.2 of this
7 chapter, prohibit the offender from residing, during the period of
8 probation, within two (2) miles of the residence of the victim of the
9 offender's sex offense.

10 (d) An offender shall provide to the sentencing court and the
11 probation department:

12 (1) at the time of sentencing, if the offender is to be placed on
13 probation without first being incarcerated; or

14 (2) before the offender's release from incarceration;

15 the address at which the offender intends to reside during the
16 period of probation.

17 (e) An offender, while on probation, shall not establish a new
18 residence within two (2) miles of the residence the victim of the
19 offender's sex offense unless the offender first obtains a waiver
20 from the court for the change of address under subsection (f).

21 (f) The court may waive the requirement set forth in subsection
22 (c) only if the court, at a hearing at which the offender is present
23 and of which the prosecuting attorney has been notified,
24 determines that:

25 (1) the offender has successfully completed a sex offender
26 treatment program during the period of probation;

27 (2) the offender is in compliance with all terms of the
28 offender's probation; and

29 (3) good cause exists to allow the offender to reside within two
30 (2) miles of the residence of the victim of the offender's sex
31 offense.

32 (g) If a court grants a waiver under subsection (f), the court
33 shall state its reasons for granting the waiver in writing. The
34 court's written statement of its reasons shall be incorporated into
35 the record.

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